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DOCKET NO. D-1984-053 CP-2

DELAWARE RIVER BASIN COMMISSION

**Kimberly-Clark of Pennsylvania, LLC
Filter Backwash & Non-Contact Cooling Water Discharge
City of Chester, Delaware County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by ENVIRON International Corporation on behalf of Kimberly-Clark of Pennsylvania, LLC (KC or docket holder) on March 28, 2012 (Application), for renewal of an existing discharge of non-contact cooling water (NCCW), filter backwash, and reverse osmosis water overflow from the Kimberly-Clark Chester (KC-Chester) facility. National Pollutant Discharge Elimination System (NPDES) Permit No. PA0013081 for this project was approved by the Pennsylvania Department of Environmental Protection (PADEP) on May 1, 2007. The PADEP issued a draft renewal for the NPDES Permit on April 23, 2012. The PADEP is expected to issue the final renewal Permit shortly.

The Application was reviewed for inclusion of the project in the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Delaware County Planning Department has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on December 5, 2012.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to renew approval of an existing discharge of up to 2.0 million gallons per day (mgd) of filter backwash and reverse osmosis water overflow from Outfall No. 001 on an emergency basis and up to 0.1 mgd of NCCW from Outfall No. 003 at the KC-Chester facility.

2. Location. Effluent will continue to discharge to Water Quality Zone 4 of the tidal Delaware River at or near River Mile 82.8, in the City of Chester, Delaware County, Pennsylvania as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	39° 50' 35"	75° 21' 28"
003	39° 50' 37"	75° 21' 17"

3. **Area Served.** The docket holder's outfalls will continue to service the KC-Chester facility, which is located in the City of Chester, Delaware County, Pennsylvania. For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Physical Features.**

a. **Design Criteria.** The KC-Chester facility produces paper products. Up to 2.0 mgd of filter backwash and reverse osmosis water overflow may discharge on an emergency basis to the Delaware River via Outfall No. 001. Up to 0.1 mgd of NCCW may discharge to the Delaware River via Outfall No. 003. Outfalls Nos. 001 and 003 discharge to Water Quality Zone 4 of the tidal Delaware River from the KC-Chester facility. All other non-stormwater related discharges are to the Delaware County Regional Authority (DELCORA) wastewater treatment plant (WWTP) conveyance system, which was last approved by the Commission on September 21, 2011 via Docket No. D-1992-018 CP-2.

b. **Facilities.** The project is located in the tidal area of the Delaware River and therefore the Commission's *Flood Plain Regulations* do not apply.

c. **Water withdrawals.** Process water is withdrawn from the Delaware River via Intake No. 1. Docket No. D-84-53 approved both the withdrawal and discharge of water from/to the Delaware River for this facility. Docket No. D-2012-012 CP-1 is also being heard at the December 5, 2012 Hearing and will approve this withdrawal renewal.

d. **NPDES Permit / DRBC Docket.** NPDES Permit No. PA0013081 was approved by the PADEP on May 1, 2007 and includes final effluent limitations for the project discharge of 7.75 mgd to surface waters classified by the PADEP as a warm water/migratory fishery (WWF/MF). The PADEP issued a draft renewal for the NPDES Permit on April 23, 2012. The PADEP is expected to issue the final renewal Permit shortly. The following average monthly effluent limits are among those expected to be listed in the renewed NPDES Permit that is expected to reduce discharges from Outfalls Nos. 001 and 003 to 2.0 mgd and 0.1 mgd, respectively, and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit

OUTFALL 001 (Filter Backwash & Reverse Osmosis Water Overflow)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	Monitor & Report	As required by NPDES Permit
Temperature	110 ° F (Max)	As required by NPDES Permit

EFFLUENT TABLE A-2: DRBC Parameters Not Included in NPDES Permit

OUTFALL 001 (Filter Backwash & Reverse Osmosis Water Overflow)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	Monitor & Report *	Same as TSS freq **
CBOD (5-Day at 20° C)	Monitor & Report *	Monthly*
Ammonia Nitrogen	Monitor & Report *	Monthly*

* DRBC Requirement

** See DECISION Condition II.p.

EFFLUENT TABLE A-3: DRBC Parameters Included in NPDES Permit

OUTFALL 003 (NCCW)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Temperature	110 ° F (Max)	As required by NPDES Permit

EFFLUENT TABLE A-4: DRBC Parameters Not Included in NPDES Permit

OUTFALL 003 (NCCW)		
PARAMETER	LIMIT	MONITORING
Total Dissolved Solids*	Monitor & Report *	Same as TSS freq **
Total Suspended Solids	Monitor & Report *	Monthly*
CBOD (5-Day at 20° C)	Monitor & Report *	Monthly*
Ammonia Nitrogen	Monitor & Report *	Monthly*

* DRBC Requirement

** See DECISION Condition II.p.

The KC-Chester facility also has seven (7) stormwater outfalls (Outfalls Nos. 008, 012, 013, 016, 018, 050, and 051) for which PADEP requires monitoring. The docket holder is required to monitor for PCBs at Outfall No. 050 in accordance with the DRBC approved Pollution Minimization Plan (PMP).

e. Cost. There are no construction costs associated with this renewal.

f. Relationship to the Comprehensive Plan. Issuance of this docket will incorporate the KC-Chester facility outfalls into the Comprehensive Plan (See DECISION Condition I.b.).

B. FINDINGS

The purpose of this docket is to renew approval of an existing discharge of up to 2.0 mgd of filter backwash and reverse osmosis water overflow from Outfall No. 001 on an emergency basis and up to 0.1 mgd of NCCW from Outfall No. 003 at the KC-Chester facility.

PCBs

The docket holder is required to monitor for 209 PCB congeners using Method 1668A at Outfall No 050 in accordance with its DRBC approved PMP for PCBs (See DECISION Condition II.q.).

Other

At the project site, the Delaware River is tidal and has an estimated seven-day low flow with a recurrence interval of ten years of 2,583 mgd (3,997 cfs). The ratio of this low flow to the total discharge from the KC-Chester facility of 2.1 mgd is 1,230 to 1.

There are no surface water intakes of record for public water supply within 5 river miles of the tidal influence of the project discharge.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *Water Quality Regulations (WQR)*.

C. DECISION

- I. Effective on the approval date for Docket No. D-1984-053 CP-2 below;
 - a. Docket No. D-84-53 is terminated and replaced by Docket No. D-1984-053 CP-2; and
 - b. The project discharges and the appurtenant facilities described in Section A "Physical Features" of this docket shall be added to the Comprehensive Plan.
- II. The project and appurtenant facilities as described in Section A "Physical Features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:
 - a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES Permit, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's.
 - b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.

d. The docket holder shall comply with the requirements contained in the Effluent Tables in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results directly to the DRBC Project Review Section. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The discharge of wastewater shall not increase the ambient temperatures of the receiving waters by more than 5°F above the average 24-hour temperature gradient displayed during the 1961-1966 period, nor shall such discharge result in stream temperatures exceeding 86°F. (Tidal Discharges to Zones 2-4)

i. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served Section of this docket, which incorporates by reference Sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION Section.

j. The docket holder shall make wastewater discharge in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

k. Nothing in this docket approval shall be construed as limiting the authority of DRBC to adopt and apply charges or other fees to this discharge or project.

l. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

m. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

n. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

o. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

p. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

q. The docket holder shall continue to submit monitoring data in accordance with the approved PMP to the Commission's Modeling, Monitoring and Assessment Branch.

BY THE COMMISSION

DATE APPROVED:

EXPIRATION DATE: December 5, 2017